# DENTAL QUALITY ASSURANCE COMMISSION BUSINESS MEETING MINUTES Thursday March 23, 2006

## **Members Present:**

Russell Timms, DDS, Chair
Mark Koday, DDS, Vice-Chair
Abdul Alkezweeny, PhD, Public Member
Karen Homitz, DDS
Pramod Sinha, DDS

## **Members Absent:**

John Davis, DDS, JD

Terrance Hauck, MD, DDS

Lorin Peterson, DDS

Jessica Saepoff, DDS

Marshall Titus, DDS

#### **Staff Present:**

Lisa Anderson, Health Services Consultant 3
Joy King, Executive Director
Josh Shipe, Health Services Consultant 3
Sandra Adix, Assistant Attorney General

Jennifer Bressi, Health Services Consultant Mickey Wardell, Health Services Consultant Peter Harris, Staff Attorney

# **Others Present:**

David Hemion, WSDA

Bryan Edgar, DDS, WSDA

James Ribary, DDS, WSDA

Melissa Johnson, Lobbyist, WSDHA

Sandra Duffy, Consumers for Dental Choice

Mary Ann Newell, Consumers for Dental

Choice

Ann Clifton, Mercury Awareness Team

Bracken Killpack, WSDA

John Versnel, Esquire

Cindy Gideon, AAG



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 2 of 7

# **OPEN SESSION:**

- 1. CALL TO ORDER Russell Timms, DDS, Chair called the meeting to order at 7:05 p.m.
  - 1.1. Introduction of Audience The audience introduced themselves.
  - 1.2. Approval of Agenda The agenda was approved with the addition of item 2.2.a.
  - 1.3. Approval of the February 2, 2006 business meeting minutes Minutes approved as presented.
  - 1.4. February 3, 2006 Panel A & B minutes Minutes approved as presented.
  - 1.5. Approval of the February 3, 2006 rules hearing minutes Minutes approved as presented.

## 2. PRESENTATIONS

- 2.1. Joseli Alves-Dunkerson, DDS, MPH, MBA with the Department of Health, Maternal & Child Health, Oral Health Program provided a power point presentation on the functions of the MCH Oral Health program. The program started in 1977 and there is one epidemiologist assigned just for dental in the State of Washington. Public Health looks at the whole population of the state in which they are accountable and have quality standards to live up to. She reviewed the 2010 Healthy People Oral Health objectives with the five governor points. The Public Health Improvement Plan (PHIP) was 1993 legislation for state and local health which created oral health as one out of seven critical services needed. Unfortunately, dental care has declined over the last twelve years in Washington State.
- 2.2. Consumers for Dental Choice Pacific NW Mercury Awareness Team of Washington. Rebuttal to DQAC's comments regarding executive session. – Sandra Duffy read a document submitted by the Consumers of Dental Choice expressing their opinion that the Commission violated the Open Public Meetings Act at the November 3, 2006 meeting. In addition, they feel that the DQAC approved November 3, 2006 minutes were misleading and incorrect regarding the documents they provided to the Commission. The petition from November 3, 2006 requested three things from the Commission; 1) to adopt a "fact sheet" for dental consumers regarding mercury amalgam dental fillings; 2) to adopt a policy that excludes Washington dentists from what they (Consumer's for Dental Choice) consider the ADA "gag rule" regarding speaking to patients about the risk of mercury amalgam fillings; and 3) to declare the term "silver fillings" as deceptive to the consumer. This document is available upon request. Consumers for Dental Choice went on to ask the Commission for three things; 1) for the Commission to seek legal opinion whether the original petition is outside the authority of the Commission; 2) for the Commission to consider the requiring dentists to inform patients of the existence of mercury amalgam in fillings; and 3) for the Commission to audio record meetings so consumers and state auditors may obtain copies.



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 3 of 7

2.2a. Mary Ann Newell expressed her opinion that the December 8, 2005 minutes do not accurately reflect the groups presentation at that meeting.

The commission thanked the group for their comments, made no motions regarding these matter, made no motions to amend the November or December 2005 minutes, and indicated they would not go into executive session to discuss these issues further.

- 3. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL, STAFF ATTORNEY, INVESTIGATORS Joy King, Executive Director, Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manager, Sandra Adix, AAG, Staff Attorney, Investigators
  - 3.1. Budget Report-Interim Operating Reports for January 2006. The budget reports are now being presented in a different format as they can be accessed from the system directly and staff can now print reports. The content information is the same. Revenues have been relatively consistent but expenditures continue to significantly increase. The department will be asking for an I-601 exemption in the 2007-2009 biennium for a fee increase. HPQA financial manager is currently researching and projecting what the fee increase should be. The fee increase will consider inflation as well as that 80% of dental resources are spent on the discipline process. Dr. Reinke asked if we could consider increasing fees for disciplined dentists, like car insurance. If you have an accident, your rates go up. If the dentist is disciplined, their licensure fees go up. Ms. King indicated there is no authority to impose separate fees for disciplined dentists; however staff would prepare a proposal outlining this suggestion for consideration by HPQA management.
  - 3.2. DQAC Business Plan, 2005-2007 with updates The Commission approved the business plan as presented. Dr. Davis provided Ms. King with 9 items that he would like to see discussed at an all day retreat. Ms. King indicated that there is currently not enough resources to have a retreat but that she would try to incorporate the training items into future meetings.
  - 3.3. Legislation HB 2463 Dental Licensure, SB 6418 Dental Hygiene Initial Limited License. Melissa Johnson with WSDHA indicated that Hygiene Association introduced 3 bills this last session and only the limited license bill was signed. It will become effective June 7, 2006. David Hemion with WSDA indicated that the bill they introduced did not move through the rules committee. Ms. Anderson is working on determining if the existing statute gives clear enough authority to create a rule with the elements of the proposed legislation.
  - 3.4. DQAC Recruitment 2006, Dr. Sinha and Dr. Titus have applied for re-appointment. The WSDA has submitted its letter of endorsement for appointments. The department is required to submit 3 names per slot, even if incumbents are seeking reappointment, therefore needs more candidates for the Governor to consider. Ms. Anderson will be submitting the appointment packet to the Governors office the second week of April.



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 4 of 7

- 3.5. Stipulations to Informal Dispositions (STIDS) & Reimbursements Sandra Adix, AAG explained the difference between a STID and a Statement of Charges (SOC), and the fees and fines than can be charged as sanctions for each. The Uniform Disciplinary Act (UDA) permits reimbursement to the consumer when issuing an STID. This document was provided to the Commission as a reference document.
- 3.6. Informed Consent Sandra Adix, AAG explained that RCW 7.70.050 & 060 indicates there does not have to be a written document for informed consent. The written document is evidence, the absence of the document is not evidence that no consent was given. Consent is presumed in emergency situations. There will be a presentation on Informed Consent at the May meeting.
- 3.7. Commonly used Acronyms Provided to the Commission as a reference document.
- 3.8. Contact Information for Disciplinary Services Provided to the Commission as a reference document.
- 3.9. Recidivism Dentistry Dentistry has a significantly high rate of recidivism. Out of 74 dentists with severe discipline, 24 dentists are still practicing.
- 3.10. Proposed New Chapter WAC 246-225A Radiation Protection Dental X-Ray Standards. The radiation protection program has filed a CR101 to start rule writing.

## 4. RULES WAC 246-817 UPDATE

- 4.1. Dental continuing education amendment (WAC 246-817-440), The CR103 was filed and effective date of rule is April 8, 2006. This amendment increases the maximum number of home study hours from three to seven.
- 4.2. Delegation of duties rules (WAC 246-817-560), The CR102 was filed and a rules hearing is scheduled for the May meeting, regarding the placement of antimicrobials by dental hygienists. The proposed rule language states this can be done under the "close supervision" of a licensed dentist.
- 4.3. Dental Residents SHB 1689 Post Graduate Year 1 The committee met on February 10, 2006 and Dr. Koday attended as the technical advisor. WREB was unable to provide any direction regarding licensure by residency. Dr. Koday indicated the clinic will need to provide some type of Certificate of Completion to dental residents. At the ADEA (American Dental Educators Association) meeting there was discussion on other states that are trying the residency program. Delaware will still require the resident to take the exam. There was no information from Minnesota. New York accepts a signed affidavit from the clinic for licensure. Residency should be treated like a school.
- 4.4. Sexual Misconduct Rules The CR101 was authorized by the Commission at its February meeting and will be prepared and filed to start rule writing on this subject.
- 4.5. Proposed Fee Increases (WAC 246-817-990) No increases will be requested until the next biennium.
- 4.6. Dental Anesthesia Committee = DAC\* (WAC 246-817-700's), AGD Whitepaper Oral Conscious Sedation. The committee held a public forum in Spokane on February 25, 2006 and received good participation. The next public forum was in SeaTac on



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 5 of 7

- March 18, 2006. The next committee meeting is in SeaTac on April 15, 2006 to discuss the comments received from the public forums, as well as other stakeholder input.
- 4.7. Dental License without Examination (LWOE) (WAC 246-817-130, 135, 140). This group of rules needs updates; however with changes pending on the National level, knowing what to incorporate in the rules is still a challenge.
- 4.8. Dental Licensure related rules SB 5966. Ms Anderson has asked the Commission to review current laws and provide direction to her regarding how to proceed with dental licensure rules.
- **5. SKILLS ASSESSMENT AND REMEDIATION** Josh Shipe and Dr. John Davis Mr. Shipe asked to table this topic until the next meeting since Dr. Davis was absent.
- 6. AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB) the listed items were provided to the commission members by email.
  - 6.1. Bureau of Health Profession Denies Free Queries from Dental Boards to the NPDB
  - 6.2. DANB Administered State Exams Launched in 2006
  - 6.3. DANB Certified Press (copies available upon request)
  - 6.4. AADE Non-Dues Revenue Statement
  - 6.5. AADE Citizen of the Year, Ms. Anderson asked the Commission if they have every thought about nominating someone before. Mr. Hemion indicated that WSDA usually nominates they have already nominated someone this year.
- 7. WESTERN REGIONAL EXAM BOARD (WREB) the listed items were provided to the commission members by email.
  - 7.1. Newsletter Winter 2006
  - 7.2. Presentation to your State Board Dr. Lorin Peterson will be presenting to the Commission in May 2006 as a member of WREB, not a Commission member.
- 8. CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)
  - 8.1. Contract Approved The contract was approved and signed.
  - 8.2. Annual meeting update Dr. Reinke talked about how the ADEX exam and the CRDTS exam new format is very similar to WREB's exam format.
- 9. CONCIL OF INTERSTATE TESTING AGENCIES (CITA) / OTHER



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 6 of 7

9.1. ADEX House of Representatives request to recognized CITA results for clinical licensure. Dr. Peterson was unable to attend this meeting and the topic is tabled until the May meeting.

## 10. CORRESPONDENCE

- 10.1. A. T. Still University February 24, 2006 request for DQAC approval. The Commission approved A.T. Still University accreditation until such time as the rules can be amended. Staff will notify A. T. Still of the approval and licensure staff will also be informed of the addition to the list of approved dental schools.
- 10.2. Kois Center request for authorization under exception 18.32.010(4) for courses offered April 7-8, 2006 and April 26-27, 2007. The Commission approved this course to be given in Washington. Staff has provided a letter authorizing this coursework.
- 10.3. Letter to NOVA Southeastern University from Lisa Anderson dated February 17, 2006, accepting NOVA Southeastern as an approved dental school.
- 10.4. Email dated March 3, 2006 from AAOMS regarding a Microdermabrasion Policy. This item is tabled until the next meeting so Sandra Adix, AAG can research the definition of microdermabrasion.

#### 11. CONSENT AGENDA

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

- 11.1. Newsletters / Articles the listed items were provided to the commission members by email.
  - 11.1.1. U.S. Newswire What Patients Don't Know: Dentists' Sweet Tooth for mercury.
  - 11.1.2. Kaisernetwork.org ADA Files Suit Over Dental Therapists Providing Care in Rural Areas
  - 11.1.3. Seattle PI Capitol Watch: Patient Safety
  - 11.1.4. Quackbusters Crushed in Massachusetts Dental Case
  - 11.1.5. Bolen Report AETNA Loses Major Dental Case in Fed. Court
  - 11.1.6. HPQA January 2006 Monthly report We ASPIRE
  - 11.1.7. Department of Health The Sentinel February 2006
  - 11.1.8. Missouri Dental Board Newsletter January 2006
  - 11.1.9. CDC Public Health Law News, Feb 15, 2006 "Legal health issues arise grill fad"

# 12. POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS



Dental Quality Assurance Commission Business Meeting Minutes March 23, 2006 Page 7 of 7

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

#### **CLOSED SESSION**

#### 13. EXECUTIVE SESSION

The term "executive session" is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

#### **OPEN SESSION**

- **14. FUTURE COMMISSION BUSINESS** No future business items were discussed but there are several items that were tabled until the next meeting
  - 14.1. CITA Will DQAC accept their exam results?
  - 14.2. Microdermabrasion Request from AAOMS
  - 14.3. WREB Presentation Dr. Lorin Peterson
  - 14.4. Skills Assessment and Remediation Dr. John Davis and Josh Shipe
  - 14.5. Informed Consent Presentation John Versnel and client
  - 14.6. Rules Ms. Lisa Anderson

#### 15. BUSINESS MEETING ADJOURNMENT

With no further business the meeting was adjourned at 9:30 p.m. Disciplinary panels will begin at 8:00 a.m. on Friday, March 24, 2006.

Respectfully Submitted By:	
Jennifer Bressi, Health Service Consultant 1	
Commission Approval By:	
Russell Timms, DDS, Chair	

